

UNCLASSIFIED / CLEARED FOR PUBLIC RELEASE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

Filed with Classified  
Information Security Officer

CISO

Date

Case No. cr-04-385

Hon. Leonie M. Brinkema

UNITED STATES

v.

ALI AL-TIMIMI

**DEFENDANT DR. ALI AL-TIMIMI'S MOTION TO COMPEL DISCOVERY OF  
UNDISCLOSED MATERIAL INTERCEPT EVIDENCE CAPTURED PURSUANT TO  
FOREIGN INTELLIGENCE SURVEILLANCE ACT**

Defendant Dr. Ali al-Timimi, by and through undersigned counsel, respectfully moves this Court to enter an order requiring the production of surveillance evidence captured pursuant to the Foreign Intelligence Surveillance Act ("FISA") that is related to Dr. al-Timimi and his investigation and prosecution. As more fully explained in the accompanying Memorandum in Support of this Motion, Dr. al-Timimi moves the Court pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, as well as Federal Rule of Criminal Procedure 16.

In its responses to Dr. al-Timimi's recently filed motions to compel discovery, the government has reiterated its claim that Dr. al-Timimi is not entitled to any further discovery. In light of the United States' previous failure to provide this evidence, described in detail in the accompanying Memorandum, Dr. al-Timimi files this motion to compel based on evidence derived from public sources. Accordingly, Dr. al-Timimi respectfully asks for an order for disclosure of all FISA surveillance that was used in the investigation of Dr. al-Timimi, his alleged co-conspirators, or the so-called Virginia Jihad conspiracy. In light of the prior withholding of such evidence, this production should also include an index of all potentially

UNCLASSIFIED / CLEARED FOR PUBLIC RELEASE



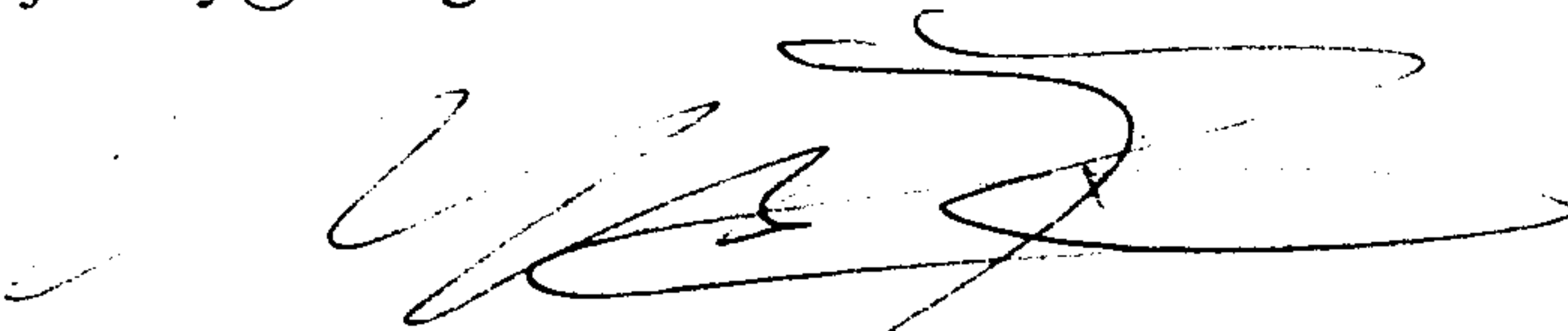
UNCLASSIFIED / CLEARED FOR PUBLIC RELEASE

relevant FISA material, to afford the Court and the parties a complete record of the scope of surveillance evidence in the possession of the government.

Respectfully submitted,

Dr. Ali al-Timimi  
By Counsel

Jonathan Turley (*pro hac vice* lead counsel)  
2000 H Street, N.W.  
Washington, D.C. 20052  
Phone No. (202) 994-7001  
Facsimile No. (202) 994-9811  
jturley@law.gwu.edu



---

Vishant Manu Krishnan, Bar No. 82308  
BRYAN CAVE LLP  
1155 F St NW  
Washington, DC 20004  
Phone: (202) 508-6000  
Facsimile: (202) 508-6200  
manu.krishnan@bryancave.com

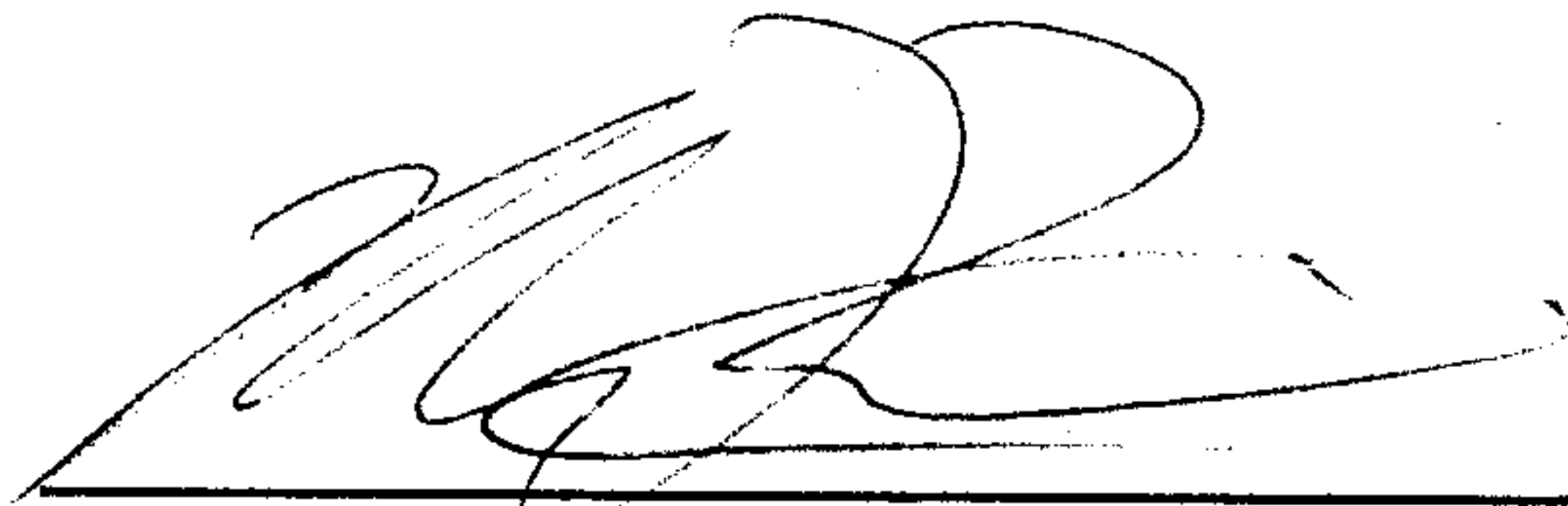
Dated: September 6, 2013

UNCLASSIFIED / CLEARED FOR PUBLIC RELEASE

UNCLASSIFIED / CLEARED FOR PUBLIC RELEASE

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of September, 2013, the foregoing was given to the court security official in compliance with prior court orders for filing and delivery to both the Court and opposing counsel.



Vishant Manu Krishnan, Bar No. 82308  
BRYAN CAVE LLP  
1155 F St NW  
Washington, DC 20004  
Phone: (202) 508-6000  
Facsimile: (202) 508-6200  
manu.krishnan@bryancave.com  
*Counsel for Dr. Al-Timimi*

UNCLASSIFIED / CLEARED FOR PUBLIC RELEASE